

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION**

**UNITED STATES OF AMERICA**

**VS.**

**TOMAS YARRINGTON RUVALCABA,**  
*Defendant.*

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**CRIMINAL NO. 1:12-CR-435-S1**

**PETITION CONTESTING FORFEITURE AND MOTION FOR HEARING**

Claimants Juan Gonzalez Garza and Juan Manuel Garza (hereinafter, “Petitioners”), innocent third parties, file this petition contesting the property, and state the following in support of this claim:

1. The property at issue is listed on the Preliminary Order of Forfeiture (Dkt. No. 165) as follows:

A residence on Winward Drive, Port Isabel, Texas, more particularly described as:

**LOT ONE (1), BLOCK (1), RACE SUBDIVISION, CITY OF PORT ISABEL,  
CAMERON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT  
THEREOF RECORDED IN CABINET 1, SLOT 1681-B, MAP RECORDS OF  
CAMERON COUNTY, TEXAS;**

hereinafter, (the, “Property”).

2. Petitioners’ interest in this property dates back to 2004, when they acquired a mortgage from M&T Bank to purchase the property. The initial purchase included another individual named Daniel Sampayo (“Sampayo”). For several years, Petitioners and Sampayo paid their equal one-third share of the mortgage payments. Petitioners incurred all costs for the Property with regard to upkeep, insurance, and taxes.

3. In 2013, Sampayo discontinued making payments on the mortgage. Rather than risk default and foreclosure, Petitioners continued making the payments, making up Sampayo's deficiency.

4. In 2019, the mortgage on the Property matured. A balloon-payment of approximately \$30,700.00 was due on the note. Petitioners obtained another loan, this time from First Community Bank, to pay off the mortgage lien of M&T Bank.

5. To date, Petitioners continue to make their monthly payments to First Community Bank. Further, Petitioners continue to incur all costs connected with the upkeep of the Property, including all taxes and insurance.

6. Petitioners never received any funds from Tomas Yarrington Ruvalcaba ("Yarrington") in connection with the Property. Petitioners never witnessed Yarrington conduct any illegal activity at the Property.

7. Petitioners have a legitimate and significant interest in the Property. Petitioners request the Court deny the government's forfeiture effort, amend the Preliminary Order of Forfeiture to reflect the facts in this petition, and order that title and all rights to the property be awarded to Petitioners, pursuant to the facts outlined herein.

8. Petitioner asks the Court to hold a hearing on this claim if the relief sought cannot be granted based upon the pleadings.

Dated: July 6, 2021

Respectfully submitted,

/s/ Victor Rodriguez

Victor Rodriguez

Attorney-in-Charge

S.D. Tex. Bar No. 562260

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**Counsel for Petitioners**

**CERTIFICATE OF SERVICE**

A copy of this pleading was provided to the Assistant U.S. Attorney on July 6, 2021.

/s/ Victor Rodriguez

Victor Rodriguez

**DECLARATION OF JUAN GONZALEZ GARZA**

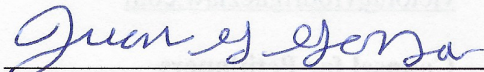
State of Texas §

§

Cameron County §

Pursuant to 18 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing petition is true and correct.

Executed on July 6, 2021.



Juan Gonzalez Garza

**DECLARATION OF JUAN MANUEL GARZA**

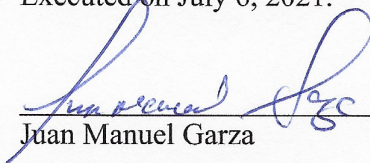
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Juan Manuel Garza